IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

WEDNESDAY, THE NINTH DAY OF MARCH
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE L.NARASIMHA REDDY

WRIT PETITION NO : 4477 of 2005

Between:

Bhagyanagar Plot Owners Welfare Association, rep by Its Joint Secrtary Mir Mohd. Ali, S/o Mir Husnath Ali H. NO. 9-1-20/3/12, Bapujingar, Langerhouze, Hyderabad

..... PETITIONER

AND

1 Government of A.P., rep by Principal Secretary, Revenue Department, Secretariat Buildings, Hyderabad
2 District College, Ranga Reddy Lakdikapul, Hyderabad
3 Mandal Revenue Officer, Rajendranagar Mandal, Ranga Reddy District

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a Writ or order more particularly one in the nature of Writ of Mandamus declaring the action of the respondents in not correctly identifying the boundaries of land in Survey No. 33 of Gandham Guda Village, Rajendranagar Mandal, Rang Reddy District, as per records but going ahead with construction of House and giving possession to third parties as unconstitutional, illegal and consequently declare that any erection of structures or handing over the possession of the land to alleged weaker sections in Survey No.33 of Gandhamguda Village, Ranjedranagar Mandal, Ranga Reddy District is null and void till the boundaries of land in survey no.33 of Gandhamguda Village, Rajendranagar Mandal, Ranga Reddy District is demarcated as per records and fenced and pass such order or further orders this Hon'ble Court may deem fit in the interest of justice

Counsel for the Petitioner: MR.K.S.MURTHY

Counsel for the Respondents: GP FOR REVENUE

The Court at the admission stage made the following :

ORDER:

The petitioner is an Association of plot owners in Survey Nos.66 of Bandlaguda Jagir Village of Rajendranagar Mandal, Ranga Reddy District. Its grievance is that taking advantage of the uncertainty about the boundaries between Survey No.66 of Bandlaguda Jagir village and Survey No.33 of Gandhamguda Village, the respondents, in particular, the 3rd respondent is taking steps to allot house site pattas in Survey No.33, in such a way that the plots of the members of the petitioner-Association are also affected. It seeks declaration that the action of the respondents in not identifying the boundaries of the said lands and handing over the possession of plots to persons belonging to weaker sections, without undertaking any survey, as illegal and arbitrary.

Heard learned counsel for the petitioner and learned Government Pleader for Revenue.

The petitioner approached this Court, on an earlier occasion, by filing W.P.No.14544 of 2004 making out a grievance that their land was not properly demarcated. The writ petition was disposed of through an order, dated 17.08.2004, recording the submissions made on behalf of the respondents herein to the effect that necessary steps are being taken to demarcate the lands in the two Survey Numbers referred to above. The Deputy Inspector, Survey & Land Records, Ranga Reddy District, had issued a notice, dated 28.02.2004, informing that the demarcation of the two Survey Numbers referred to above would be undertaken on 12.03.2005. That being the case, there does not exist any justification on the part of the 3rd respondent either to encourage or permit the constructions over the land in Survey No.33. The exact extent of boundary thereof can be known only after the demarcation is effected. If allotments are made or constructions are permitted before such demarcation, there is every likelihood of the encroachment into the neighbouring land belonging to the members of the petitioner.

Therefore, the writ petition is disposed of, directing that the 3rd respondent shall ensure that no construction is brought up over the land in Survey No.33, till the demarcation between that Survey Number and Survey No.66 of Bandlaguda Jagir Village is done. There shall be no order as to costs.

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09.03.2005

Note: Issue wire at party's costs.

(B/o)

Jsu
To

1 The Principal Secretary, Government of A.P., Revenue Department, Secretariat Buildings, Hyderabad
2 District College, Ranga Reddy Lakdikapul, Hyderabad
3 Mandal Revenue Officer, Rajendranagar Mandal, Ranga Reddy District

4 2 CCs to the G.P. for Revenue, High Court Buildings,

Hyderabad. (OUT)

5 2 CD copies